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(SPACE BELOW FOR FILING STAMP ONLY)

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8 Attorneys for Defendants,

9 COUNTY OF SHASTA; KEN KOENEN, TRACY D. WALLACE, Shasta County
10 Sheriff Deputy; JASON GASSOWAY, Shasta County Sheriff Deputy

11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 KEVIN D. MCCASKILL,

) **Case No.: CIV.S -04-0704 DFL KJM**

14)
15 Plaintiff,

16 vs.

) **STIPULATION AND ORDER TO**
17) **CONTINUE PRETRIAL**
18) **CONFERENCE AND TRIAL**

19 COUNTY OF SHASTA; KEN

20 KOENEN, Shasta County Sheriff

21 Deputy; TRACY D. WALLACE, Shasta

22 County Sheriff Deputy; JASON

23 GASSOWAY, Shasta County Sheriff

24 Deputy; and DOES 1 to 100,

) **Trial Date: January 23, 2006**
25) **Judge Presiding: The Honorable**
26) **David F. Levi**

27 Defendants.

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STIPUALATION

WHEREAS, this matter is scheduled for a final pretrial conference on November 18, 2005 at 2:00 p.m. and the parties hereto are to file a Joint Pretrial Statement on or before November 12, 2005; and

WHEREAS, this matter is scheduled for trial to begin on January 23, 2006 before the Honorable David F. Levi, Judge Presiding; and

WHEREAS, for approximately the last three years the wife of defense counsel Laurence L. Angelo, has suffered from Alzheimer's and Louie Body Disease, both of which are terminal and may cause her to expire within the next six months; and

WHEREAS, in deference to Mr. Angelo's personal situation, Plaintiff through counsel has differed certain discovery which would have necessitated Mr. Angelo leaving the City of Sacramento; and

WHEREAS, Mr. Angelo's individual client, Jason Gassaway, and number of the witnesses for the defense reside in Burney, California, a mountain community, such that if the present trial date is maintained, said client and those witnesses will have to come to Sacramento through the height of the winter snow season; and

WHEREAS, because of these personal and professional reasons, the parties would like to continue the trial and pretrial conference dates herein so that the matter is set for trial in late June or early July of 2006 with a pretrial conference date set accordingly;

NOW, THEREFORE, IT IS STIPULATED by and between the parties hereto, through their respective counsel, that with permission of the Court, the present pretrial conference and trial dates be vacated and this matter set for trial on a date convenient for the Court in late June or early July of 2006 with a pretrial date and time scheduled accordingly and that the Court issue an order in accord with this stipulation.

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2 Dated: August 11, 2005

LAW OFFICES OF LARRY L.
BAUMBACK

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4
5 /s/ Larry L. Baumbach
6 By: LARRY L. BAUMBACH, ESQ.
7 SBN 50086
8 Attorney for Plaintiff
9 KEVIN D. McCASKILL

10 Dated: August 4, 2005

ANGELO, KILDAY & KILDUFF

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12 By: /s/ Laurence L. Angelo
13 LAURENCE L. ANGELO, Esq.
14 SBN 34528
15 Attorneys for Defendants,
16 COUNTY OF SHASTA
17 KEN KOENEN, Shasta County
18 Sheriff Deputy; JASON
19 GASSOWAY, Shasta County
20 Sheriff Deputy and TRACY D.
21 WALLACE, Shasta County
22 Sheriff's Deputy

23
24 **ORDER**

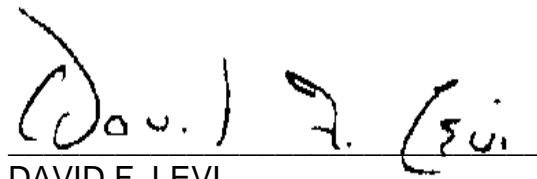
25 PURSUANT TO STIPULATION OF THE PARTIES, AND GOOD
26 CAUSE APPEARING THEREFOR, IT IS ORDERED AS FOLLOWS:

27 (1) That the trial and pretrial conference dates presently scheduled herein
28 are vacated;

1 (2) That trial is reset for July 10, 2006 at 9:00 a.m. before a jury and for
2 an estimated length of approximately ten days (this is counsel's estimate; the court
3 does not necessarily agree);

4 (3) That the pretrial conference is reset for June 2, 2006 at 3:00 p.m. with
5 the parties to file and serve their Joint Pretrial Conference Statement herein on
6 May 26, 2006, all according to Court's "Status (Pretrial Scheduling) Order" filed
7 herein on June 28, 2004.

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9 Dated: 23 August 2005

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12 DAVID F. LEVI
13 United States District Judge
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